

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

CHRISTOPHER VARNEY,	:	CASE NO. 5:10 CV 1719
Plaintiff,	:	JUDGE
v.	:	
PENNCRO ASSOCIATES, INC., et al.,	:	<u>NOTICE OF REMOVAL</u>
Defendants.	:	

Now comes Defendant Penncro Associates, Inc. ("Defendant"), pursuant to 28 U.S.C. §§ 1331, 1441, and 15 U.S.C. § 1692k(d), and files this Notice of Removal, and in support hereof sets forth the following grounds:

1. On or after July 8, 2010, Defendant was served with Plaintiff's Complaint, a copy of which is attached hereto, in an action entitled *Christopher Varney v. Penncro Associates, Inc., et al.* filed of record with the Clerk of Stark County Court of Common Pleas, Ohio, Case No. 2010CV02502.
2. Plaintiff's Complaint purports to set forth a cause of action under 15 U.S.C. §§ 1692 *et seq.*
3. This Court has original jurisdiction over Plaintiff's cause of action based on 15 U.S.C. §§ 1692, *et seq.*, as set forth in 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d). Pursuant to 28 U.S.C. § 1441, therefore, the civil action pending in the Stark County Court of Common Pleas, Ohio, is removable to this Court.
4. Along with this Notice of Removal, Defendant is filing its Answer to Plaintiff's Complaint with the Clerk of the United States District Court for the Northern District of Ohio, Eastern Division.
5. Thirty (30) days have not yet expired since receipt of Plaintiff's Complaint.
6. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto.

7. Defendant has provided written notice of the filing of this Notice of Removal to Plaintiff by ordinary mail on this date and has also forwarded a Notice for filing with the clerk of Stark County Court of Common Pleas, Ohio regarding this Notice of Removal.

WHEREFORE, Defendant prays that the above-captioned action now pending in Stark County Court of Common Pleas, Ohio, be removed therefrom and placed on the regular docket of the United States District Court for the Northern District of Ohio, Eastern Division.

Respectfully submitted,

/s/Jeffrey C. Turner
Jeffrey C. Turner (0063154)
Boyd W. Gentry (0071057)
John P. Langenderfer (0079094)
SURDYK, DOWD & TURNER CO., L.P.A.
One Prestige Place
Suite 700
Miamisburg, Ohio 45342
Tel. (937) 222-2333
Fax (937) 222-1970
jturner@sdtlawyers.com
bgentry@sdtlawyers.com
jlangenderfer@sdtlawyers.com
Trial Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on August 5, 2010, by first class mail upon:

Scott C. Florin, Esq.
Michelle L. Pierro, Esq.
LUFTMAN, HECK, & ASSOCIATES, LLP
580 East Rich Street
Columbus, Ohio 43215
Attorneys for Plaintiff

/s/Jeffrey C. Turner
Jeffrey C. Turner (0063154)